

Message Text

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ACTION L-02

INFO OCT-01 EUR-12 IO-10 ACDA-10 ISO-00 DPW-01 MC-02 AID-05

CIAE-00 DODE-00 PM-03 H-02 INR-07 NSAE-00 NSC-05

PA-02 RSC-01 PRS-01 SP-02 SS-15 USIA-15 AEC-07 AF-10

ARA-10 EA-10 NEA-10 OIC-02 SAJ-01 SAM-01 SR-02 ORM-01

SCA-01 /151 W

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R 210657Z OCT 74

FM AMEMBASSY BERN

TO SECSTATE WASHDC 9721

INFO USUN NEW YORK 149

USMISSION GENEVA

USDEL SALT II GENEVA

USDEL MBFR VIENNA

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY LONDON

UNCLAS SECTION 1 OF 2 BERN 3919

GENEVA PASS CCD AND CSCE

FROM USDEL TO LUCERNE ICRC CONFERENCE ON WEAPONS

E.O. 11652: N/A

TAGS: ICRC, PARM

SUBJECT: ICRC CONFERENCE ON WEAPONS

REF: A) BERN 3647; B) BERN 3729; C) BERN 3786; D) BERN 3831;

E) BERN 3877

1. SUMMARY: LUCERNE ICRC CONFERENCE ON WEAPONS

HEARD CLOSING STATEMENTS ON OCT. 15 AND 17.

PICTET (ICRC) SUMMARIZED VIEWS OF EXPERTS ON FOLLOW-
UP (TEXT TRANSMITTED BELOW). REPORT ADOPTED

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OCT. 17-18. CONFERENCE CLOSED OCT. 18. END SUMMARY.

2. IN CLOSING STATEMENTS, FOLLOWING POINTS WERE REPEATEDLY MADE: (A) POSITIVE STATEMENTS ON DEGREE OF PROGRESS SHOWN--AUSTRIA, URUGUAY, NEW ZEALAND, FINLAND, ITALY, UK, SWEDEN, US, FRANCE, CANADA, JAPAN, USSR, IVORY COAST, FRG, BELGIUM, AUSTRALIA, GDR, VENEZUELA, IRELAND, NETHERLANDS, MONGOLIA, KENYA; (B) DIS-APPOINTMENT IN PROGRESS--YUGOSLAVIA, ALGERIA, DRV, PAKISTAN, ZAIRE, EGYPT, MEXICO, SWITZERLAND; (C) SECOND SESSION OF EXPERTS SHOULD BE CONVENED--AUSTRIA, UK, SWEDEN, US, FRANCE, JAPAN, USSR, IVORY COAST, FRG, BELGIUM, AUSTRALIA, VENEZUELA, IRELAND, NETHERLANDS, KENYA; (D) DIPLOMATIC CONFERENCE SHOULD ADDRESS PRO-HIBITIONS AND RESTRICTIONS WITHOUT ADDITIONAL EXPERTS CONFERENCE--YUGOSLAVIA, DRV, NORWAY, ALGERIA, URUGUAY, ZAIRE, INDONESIA (ON INCENDIARIES), INDIA; (E) PRG SHOULD HAVE ATTENDED--DRV, USSR, GDR, MONGOLIA, POLAND.

3. IN CLOSING STATMENT, SOVIET EXPERTS CON-SIDERED CONFERENCE SUCCESSFUL. HOWEVER, THEY FELT THEY COULD NOT ACCEPT LEGAL CRITERIA CREATED 60-70 YEARS AGO IN DIFFERENT CIRCUMSTANCES AND EASILY APPLY THEM TO TODAY'S SITUATION WHILE CON-SIDERING NEW INTERNATIONAL OBLIGATIONS, E.G., FROM UN CHARTER. THEY STATED THAT KEY PROBLEM WAS DIS-ARMAMENT, NOT PROHIBITION. IT IS IMPOSSIBLE TO CONSIDER PROHIBITION WITHOUT CONSIDERING PRINCIPLE OF EQUAL SECURITY. EXPRESSED DISAPPOINTMENT THAT CONFERENCE WAS NOT AS UNIVERSAL AS IT COULD BE SINCE (A) PRG NOT INVITED; (B) VERY FEW THIRD WORLD COUNTRIES REPRESENTED; (C) CHINA NOT PRESENT TO PROVIDE THEIR EXPERIENCE. FELT THAT REGIONAL APPROACH COULD ALSO BE STUDIED.

4. FOLLOWING IS EXCERPT DEALING WITH FUTURE WORK FROM BLIX (SWEDEN) OCT. 17 CLOSING STATMENT:
BEGIN TEXT:
HAVING SAID THAT IN OUR VIEW FURTHER DATA AND TIME FOR THEIR CONSIDERATION MAY BE NEEDED BEFORE
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FIRM CONCLUSIONS CAN BE REACHED IN ALL AREAS, I AM BOUND TO SAY THAT I DO NOT THINK THE AD HOC COMMITTEE WILL BE READY AT ITS FORTHCOMING SESSION TO ADOPT NEW TREATY RULES PROHIBITING OR RESTRICTING THE USE OF SOME CONVENTIONAL WEAPONS. BUT IT MAY VERY USEFULLY DISCUSS VARIOUS DRAFT PROPOSALS.

ANOTHER CONCLUSION ALSO EMERGES FROM MY VIEW THAT

SOME FURTHER DATA AND FURTHER TIME MAY BE NEEDED BY GOVERNMENTS. THIS IS THAT A SECOND CONFERENCE OF GOVERNMENT EXPERTS MIGHT BE VERY USEFUL AT ANY RATE IF THE DISCUSSIONS IN THE AD HOC COMMITTEE SHOWED CONSTRUCTIVE FEATURES. THE TWO DRAFT PROTOCOLS BEFORE THE DIPLOMATIC CONFERENCE WERE PRECEDED BY TWO CONFERENCES OF GOVERNMENT EXPERTS. THE WEAPONS PROBLEMS ARE NOT EASIER. A SECOND EXPERT CONFERENCE ON WEAPONS SHOULD NOT, OF COURSE, BE A REPEAT PERFORMANCE OF THIS CONFERENCE. BUT IT COULD BE VERY USEFUL IF IT WERE TO RECEIVE AND CONSIDER THE FURTHER DATA THAT MAY BE INDISPENSABLE AND TO FOCUS CONCRETELY ON SUCH WEAPONS AS HAVE BEEN THE SUBJECT OF - OR MAY BECOME THE SUBJECT OF - PROPOSED BANS OR RESTRICTIONS OF USE AND TO STUDY THE POSSIBILITY, CONTENT AND FORM OF SUCH PROPOSED BANS AND RESTRICTIONS. THE EXACT MANDATE OF SUCH A CONFERENCE WOULD HAVE TO BE DISCUSSED IN THE AD HOC COMMITTEE AND BE APPROVED BY IT AND BY THE ICRC. WE THINK THE ICRC MIGHT RENDER VERY GREAT SERVICE IN THE PLANNING AND RUNNING OF SUCH A CONFERENCE. THE REPORT OF THE CONFERENCE WOULD HAVE TO BE READY IN TIME FOR AN ANTICIPATED THIRD SESSION OF THE DIPLOMATIC CONFERENCE. THE WORKING METHODS WOULD HAVE TO BE CAREFULLY CONTEMPLATED AND MIGHT IN SOME RESPECTS DIFFER FROM THOSE WHICH WE HAVE EMPLOYED IN THIS CONFERENCE'S ENDEAVOUR IN CROSS-FERTILIZATION BETWEEN DIFFERENT PROFESSIONS.

MR. CHAIRMAN IN MY VIEW THE AD HOC COMMITTEE WHICH WILL MEET IN FEBRUARY HAS IMPORTANT TASKS BEFORE ITSELF. NEEDLESS TO SAY IT WILL HAVE TO USE THE AMOUNT OF TIME AND NUMBER OF MEETINGS WHICH WOULD BE REQUIRED TO FULFILL THAT TASKS. HOWEVER, IT IS UNCLASSIFIED

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POSSIBLE THAT IT MIGHT NOT REQUIRE MEETINGS THROUGHOUT THE DURATION OF THE CONFERENCE. NO ONE, IT AM SURE, WILL CALL FOR MEETINGS THAT WOULD NOT BE NEEDED.

MR. CHAIRMAN, I HAVE SKETCHED A POSSIBLE FUTURE COURSE OF ACTION THAT I WOULD HOPE WOULD BRING US SOMEWHAT CLOSER TO CONCRETE RESULTS. OUR PROGRESS MAY BE VERY SLOW. YET, IT WOULD BE MY HOPE THAT NOTHING WILL BE DONE IN THE FORTHCOMING DISCUSSIONS AT THE GENERAL ASSEMBLY THAT WOULD DISRUPT THIS PROGRESS TOWARDS HUMANITARIAN RESULTS WHICH WOULD BE OF BENEFIT TO ALL.
END TEXT

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INFO OCT-01 EUR-12 IO-10 ACDA-10 ISO-00 DPW-01 MC-02 AID-05

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ARA-10 EA-10 NEA-10 OIC-02 SAJ-01 SAM-01 SR-02 ORM-01

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GENEVA PASS CCD AND CSCE

FROM USDEL TO LUCERNE ICRC CONFERENCE ON WEAPONS

5. FOLLOWING IS EXCERPT DEALING WITH FUTURE WORK
FROM BETTAUER (US) OCT. 17 CLOSING STATMENT:

BEGIN TEXT:

THE UNITED STATES GOVERNMENT WILL BE
READY TO CONTINUE THE WORK IN THE THOROUGHLY PRO-
FESSIONAL MANNER THAT HAS BEEN DEMONSTRATED BY THE
EXPERTS PARTICIPATING IN THIS CONFERENCE. WE ARE
READY TO PARTICIPATE IN ANY SERIOUS EFFORT TO
DEVELOP FACTS AND INFORMATION. THUS, IN PRINCIPLE,
WE WOULD BE READY TO SEND AN EXPERT TEAM TO A SECOND
SESSION OF THIS CONFERENCE, UNDER ICRC AUSPICES,

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NEXT YEAR. WE DO NOT CONSIDER THAT EITHER THE UNITED NATIONS GENERAL ASSEMBLY THIS YEAR OR THE 1975 SESSION OF THE DIPLOMATIC CONFERENCE ON INTERNATIONAL HUMANITARIAN LAW WILL BE IN A POSITION TO TAKE ANY DEFINITIVE ACTION ON CONVENTIONAL WEAPONS. WITH THE EXPERTS' WORK WELL ON THE WAY ECUT WITH MORE TO BE DONE AT THE EXPERT LEVEL, THAT CLEARLY WOULD BE PREMATURE. I AM CERTAIN THAT MY GOVERNMENT WOULD REGARD ANY SUCH ACTION AS DETRIMENTAL TO THE CONTINUED WORK AND CHANCES FOR PROGRESS IN THIS FIELD. THE GENERAL ASSEMBLY COULD GENERALLY LEND ITS SUPPORT TO OUR CONTINUED WORK IN A PROCEDURAL RESOLUTION THAT WOULD NEITHER PREJUDICE THE SUBSTANTIVE OUTCOME ON THE ISSUES NOR SEEK PREMATURE OR UNREASONABLE TREATMENT OF THE SUBJECT. AT THE DIPLOMATIC CONFERENCE, THE KEY TASK OF THE AD HOC COMMITTEE COULD BE TO RECEIVE AND REVIEW OUR REPORT. IN ADDITION, WE BELIEVE THAT MORE SPECIFIC WORK PROGRAM FOR THE SECOND SESSION OF THE CONFERENCE OF GOVERNMENT EXPERTS IS APPROPRIATE AND WE THINK THAT GOVERNMENTS, BY FEBRUARY 1975, WOULD HAVE HAD SUFFICIENT TIME TO REVIEW OUR REPORT IN ORDER TO ENABLE THE AD HOC COMMITTEE OF THE DIPLOMATIC CONFERENCE TO FORMULATE SUCH A WORK PROGRAM TO RECOMMEND TO THE ICRC. TO ACCOMPLISH THESE TASKS, THE AD HOC COMMITTEE SHOULD REQUIRE MEETINGS OVER A SIGNIFICANTLY SHORTER PERIOD OF TIME THAN THE FULL PERIOD OF THE DIPLOMATIC CONFERENCE. IN ADVANCE OF A SECOND SESSION OF GOVERNMENT EXPERTS, WE EXPECT THAT ADDITIONAL RESEARCH ON SOME OF THE OPEN QUESTIONS BEFORE US WILL BE DONE.

END TEXT

6. ON OCTOBER 18, PRESIDENT OF CONFERENCE, PICTET (ICRC) MADE SUMMATION ON FOLLOW-UP. FOLLOWING IS TEXT OF CHAPTER VIII (FOLLOW-UP) OF REPORT AS ADOPTED (WITH FRENCH VERSION OF KEY PHRASES IN PARENTHESES):

BEGIN TEXT:

PARA. 282. AFTER A DISCUSSION IN WHICH MANY EXPERTS TOOK THE FLOOR, THE PRESIDENT SUMMARIZED THE CONCLUSIONS WHICH HE BELIEVED COULD BE DRAWN FROM THE PROCEEDINGS. HE STRESSED THAT HIS

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STATEMENT WAS NOT A DECISION OR EVEN A RECOMMENDATION IN VIEW OF THE NATURE OF THE CONFERENCE, BUT MERELY A RECAPITULATION OF POINTS ON WHICH THERE

SEEMED TO HAVE BEEN BROAD AGREEMENT (UN ACCORD ASSEZ GENERAL), NAMELY:

1. THE PRESENT SESSION HAS CONTRIBUTED TO AN INCREASE IN KNOWLEDGE AND UNDERSTANDING OF THE SUBJECT.
 2. THE REPORT OF THE LUCERNE CONFERENCE WILL BE PRESENTED TO THE GOVERNMENTS PARTICIPATING AT THE SECOND SESSION OF THE DIPLOMATIC CONFERENCE AND WILL BE AN IMPORTANT POINT ON ITS AGENDA; NEW OR REVISED PROPOSALS CAN ALSO BE SUBMITTED FOR CONSIDERATION BY THAT COMMITTEE.
 3. SINCE THE NEWLY PRESENTED FACTS NEED TO BE DIGESTED AND FURTHER STUDY AND RESEARCH ARE NEEDED, IT WAS DOUBTED THAT THE AD HOC COMMITTEE WOULD, AT ITS NEXT SESSION, BE READY TO ADOPT (IL EST DONC PEU PROBABLE QUE LA COMMISSION AD HOC SOIT EN MESURE D'ADOPTER) NEW TREATY RULES CONCERNING THE PROHIBITION OR RESTRICTIONS ON THE USE OF ANY CONVENTIONAL WEAPONS.
 4. ALTHOUGH AD HOC COMMITTEE WOULD MEET FOR THE NUMBER OF MEETINGS THAT WOULD BE REQUIRED FOR IT TO GO THROUGH ITS AGENDA IT MIGHT NOT PROVE NECESSARY FOR IT TO MEET DURING THE FULL PERIOD OF THE DIPLOMATIC CONFERENCE.
 5. FURTHER DATA COULD USEFULLY BE PRODUCED AND PRESENTED IN THE COMING YEAR, E.G. BY SCIENTIFIC RESEARCH AGENCIES, PREFERABLY WITH SOME INTERNATIONAL PARTICIPATION OR WITHIN AN APPROPRIATE EXISTING INTERNATIONAL FRAMEWORK.
 6. ANOTHER CONFERENCE OF GOVERNMENT EXPERTS COULD, UNDER ICRC AUSPICES, AND PREFERABLY IN SEPTEMBER 1975, USEFULLY BE CONVENED (POURRAIT ETRE UTILEMENT CONVOQUEE). THIS CONFERENCE SHOULD BE WELL PREPARED AND RELEVANT DOCUMENTATION SHOULD BE CIRCULATED TO GOVERNMENTS IN ADVANCE. THE CONFERENCE WOULD BOTH RECEIVE AND CONSIDER NEW INFORMATION RELEVANT TO THE SUBJECT MATTER CONTRIBUTED BY THE EXPERTS AND WOULD FOCUS ON SUCH WEAPONS AS HAVE BEEN - OR MAY BECOME - THE SUBJECT OF PROPOSED BANS OR RESTRICTIONS OF USE AND TO STUDY THE POSSIBILITY, CONTENTS AND FORM OF
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SUCH PROPOSED BANS OR RESTRICTIONS. THE AD HOC COMMITTEE OF THE DIPLOMATIC CONFERENCE WHICH BY ITS DISCUSSION WILL CONTRIBUTE TO THE CLARIFICATION OF THE ISSUES, WILL CONSIDER THE PROGRAMME OF WORK FOR THE 1975 CONFERENCE OF GOVERNMENT EXPERTS. THE REPORT OF THE 1975 GOVERNMENT EXPERTS CONFERENCE WOULD BE TRANSMITTED TO ALL GOVERNMENTS WITH A VIEW TO ASSISTING THEM IN THEIR FURTHER DELIBERATIONS.

7. IT IS HOPED (IL EST A SOUHAITER) THAT THE UNITED NATIONS GENERAL ASSEMBLY WILL TAKE THE FORE-

GOING INTO ACCOUNT WHEN DRAFTING ANY RELEVANT RESOLUTIONS.

8. THE ICRC WOULD BE PREPARED TO CONVENE AND ORGANIZE ANOTHER CONFERENCE OF GOVERNMENT EXPERTS ON THE SAME CONDITIONS AS IT DID FOR THE LUCERNE MEETING.

PARA. 283. (INSERTED AT REQUEST OF URUGUAY, FOLLOWING IS ROUGH TRANSLATION FROM SPANISH). HOWEVER, A SMALL NUMBER OF EXPERTS SAID THAT THEY DID NOT AGREE TO A SECOND CONFERENCE, AS PROPOSED, FOR REASONS WHICH THEY GAVE. THEY THOUGHT IT WOULD BE MUCH MORE PRODUCTIVE TO PURSUE THE WORK ON THE POSSIBLE LIMITATION OF CERTAIN WEAPONS AT THE NEXT SESSION OF THE DIPLOMATIC CONFERENCE IN GENEVA, WITH THE PARTICIPATION OF EXPERTS.

END TEXT.

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Disposition Event:
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